

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

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|----------------------|---|--------------------------------|
| SEDRICK D. MITCHELL, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 1:23-cv-01094-JDB-jay |
| |) | |
| STATE OF TENNESSEE, |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER DIRECTING CLERK TO MODIFY DOCKET
AND
DIRECTING RESPONDENT TO FILE RECORD AND RESPOND TO AMENDED
PETITION UNDER 28 U.S.C. § 2254

On May 24, 2023, the Petitioner, Sedrick D. Mitchell, Tennessee Department of Correction prisoner number 275159, an inmate incarcerated at the Hardeman County Correctional Facility in Whiteville, Tennessee, filed a pro se petition under 28 U.S.C. § 2254 (the “Petition”). (Docket Entry (“D.E.”) 1.) The Court granted Petitioner leave to proceed in forma pauperis on June 23, 2023. (D.E. 6.)

On preliminary review of the Petition, the Court ordered the inmate to file an amended petition on the district’s official form. (D.E. 7.) Mitchell filed his amended Petition on November 30, 2023. (D.E. 11.)

The Clerk is DIRECTED to record the Respondent as Warden Robert Adams, Jr., and remove the State of Tennessee as a party to this action. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (explaining that “in habeas challenges to present physical confinement . . . the default rule is that the proper respondent is the warden of the facility where the prisoner is being held”).

It is ORDERED, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (“Habeas Rules”), that Respondent file a response/answer to the amended Petition no later than twenty-eight days from the date of this order. The answer shall include the complete state-court record, organized and appropriately indexed as required by Administrative Order 16-31. *See* 28 U.S.C. § 2254(b)(1).¹ The answer shall, at a minimum, address the timeliness of the amended Petition, state whether each claim was exhausted, in whole or in part, in state court and shall assert appropriate procedural defenses, if any, for each claim. Where only a portion of a claim has been exhausted in state court, the answer shall specify the aspects of the claim that were exhausted and the aspects of the claim that are subject to procedural defenses. Where a merits analysis is appropriate, the answer shall cite the state court ruling for an exhausted claim, identify the clearly established Supreme Court precedent governing the claim, and respond to the Petitioner’s argument that he is entitled to habeas relief on the claim with appropriately reasoned legal and factual argument.

Pursuant to Rule 5(e), Petitioner may, if he chooses, submit a reply to Respondent’s answer or response within twenty-eight days of service. Petitioner may request an extension of time to reply if his motion is filed on or before the due date of his reply. The Court will address the merits of the amended Petition, or of any motion filed by Respondent, after the expiration of Petitioner’s time to reply, as extended.

¹The party filing a document has the burden of ensuring the proper protection of sensitive information and taking measures to seal such information where appropriate. *See* Electronic Case Filing Attorney User Manual for the United States District Court, Western District of Tennessee, Section I.A.13; *see also* Electronic Case Filing Policies and Procedures Manual for the United States District Court Western District of Tennessee, Section 8 Sealed Documents, <https://www.tnwd.uscourts.gov/sites/tnwd/files/LocalRules.pdf> (last accessed Oct. 31, 2024).

It is ORDERED that the Clerk shall send a copy of the Petition (D.E. 11) and this order to the Respondent and the Tennessee Attorney General and Reporter by certified mail. *See* Habeas Rule 4.

It is further ORDERED that the Clerk mail the parties the form for notice, consent, and reference of a civil action to a magistrate judge (AO 85).

IT IS SO ORDERED this 1st day of November 2024.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE